

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE ENROLLED ACT No. 138

AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-6.7-10, AS ADDED BY P.L.130-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The division may make grants to and enter into contracts with entities eligible under section 9 of this chapter. ~~However, the division may not grant more than seventy-five percent (75%) of the money necessary for the establishment or maintenance of a domestic violence prevention and treatment center during a specified time. The amount granted by the division for use by a single domestic violence and prevention treatment center may not exceed one hundred thousand dollars (\$100,000) each year.~~

SECTION 2. IC 34-6-2-148.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 148.2. "Victim", for purposes of IC 34-60-1, has the meaning set forth in IC 34-60-1-1.**

SECTION 3. IC 34-6-2-148.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 148.3. "Victim advocate", for purposes of IC 34-60-1, has the meaning set forth in IC 34-60-1-2.**

SECTION 4. IC 34-6-2-148.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 148.7. "Victim service provider",**

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for purposes of IC 34-60-1, has the meaning set forth in IC 34-60-1-3.

SECTION 5. IC 34-60 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 60. VICTIM ADVOCATES

Chapter 1. Victim Advocates in Civil Proceedings

Sec. 1. As used in this chapter, "victim" means:

- (1) an individual against whom an act of:
 - (A) domestic or family violence;
 - (B) dating violence;
 - (C) sexual assault (as defined in IC 5-26.5-1-8);
 - (D) human and sexual trafficking (IC 35-42-3.5); or
 - (E) stalking (IC 35-45-10-5);
 is committed; or
- (2) an individual:
 - (A) who is not accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and
 - (B) who:
 - (i) is a member of the family of an individual described in subdivision (1); and
 - (ii) is not a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).

Sec. 2. (a) As used in this chapter, "victim advocate" means an individual employed or appointed by or who volunteers for a victim service provider.

(b) The term does not include:

- (1) a law enforcement officer;
- (2) an employee or agent of a law enforcement officer;
- (3) a prosecuting attorney; or
- (4) an employee or agent of a prosecuting attorney's office.

(c) The term includes an employee, an appointee, or a volunteer of a:

- (1) victim service provider;
- (2) domestic violence program;
- (3) sexual assault program;
- (4) rape crisis center;



- (5) battered women's shelter;
- (6) transitional housing program for victims of domestic violence; or
- (7) program that, as one (1) of its primary purposes, provides services to an individual:
 - (A) against whom an act of:
 - (i) domestic or family violence;
 - (ii) dating violence;
 - (iii) sexual assault (as defined in IC 5-26.5-1-8);
 - (iv) human and sexual trafficking (IC 35-42-3.5); or
 - (v) stalking (IC 35-45-10-5);
 - is committed; or
 - (B) who:
 - (i) is not accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and
 - (ii) is a member of the family of an individual described in clause (A) other than a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).

Sec. 3. As used in this chapter, "victim service provider" means a person:

- (1) that is:
 - (A) a public agency;
 - (B) a unit of a public agency; or
 - (C) an organization that is exempt from federal income taxation under Section 501 of the Internal Revenue Code;
- (2) that is not affiliated with a law enforcement agency; and
- (3) that, as one (1) of its primary purposes, provides services for emotional and psychological conditions to an individual:
 - (A) against whom an act of:
 - (i) domestic or family violence;
 - (ii) dating violence;
 - (iii) sexual assault (as defined in IC 5-26.5-1-8);
 - (iv) human and sexual trafficking (IC 35-42-3.5); or
 - (v) stalking (IC 35-45-10-5);
 - is committed; or
 - (B) who:
 - (i) is not accused of committing an act of domestic or



family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and
(ii) is a member of the family of an individual described in clause (A) other than a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).

Sec. 4. (a) In any civil proceeding, a court may allow a victim advocate to attend the proceeding, sit with the victim, and confer with the victim as necessary.

(b) A victim advocate is not considered to be practicing law when performing the services described in this section.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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